

IN THE UNITED STATES DISTRICT COURT  
OF THE DISTRICT OF MARYLAND

CCB 14 CV 0048

Erien Frazier,

*Plaintiff,*

vs.

Delmarva Collections Inc.,

*Defendant*

) Case No:

) **Civil Complaint**

2014 JAN -8 P 1:36

U.S. DISTRICT COURT  
DISTRICT OF MARYLAND

FILED

Plaintiff, Erien Frazier, individually, hereby sues Defendant, Delmarva Collections Inc. for violations of the Telephone Consumer Protection Act (TCPA) Sec. 227., 47 U.S.C. § 227(b)(1), 47 U.S.C. § 227(a)(iii).

**PRELIMINARY STATEMENT**

1. This is an action for damages and injunctive relief brought by Plaintiff against Defendant for violations of the Telephone Consumer Protection Act (TCPA) Sec. 227., 47 U.S.C. § 227(b)(1), 47 U.S.C. § 227(a)(iii).
2. Upon belief and information, Plaintiff contends that many of these practices are widespread for the Defendant. Plaintiff intends to propound discovery to Defendant identifying these other individuals who have suffered similar violations.
3. Plaintiff contends that Defendant Delmarva Collections Inc. have violated such laws by repeatedly harassing Plaintiff in attempts to collect an alleged but nonexistent debt.

**JURISDICTION AND VENUE**

4. Jurisdiction of this Court arises under 47 U.S.C. § 227(b)(3), and supplemental jurisdiction exists for the state law claims pursuant to 28 U.S.C. § 1367.

- 1 5. Venue is proper pursuant to 28 U.S.C. § 1391b. Venue in this District is proper in that the Plaintiff  
2 resides here, the Defendant transacts business here, and the conduct complained of occurred  
3 here.  
4 6. This is an action for damages which exceed \$10,000.  
5

6 **Parties**

- 7 7. Plaintiff, Erien Frazier, is a natural person and is a resident of the State of Maryland.  
8 8. Upon information and belief Defendant, Delmarva Collections Inc. ("DCI") is a Maryland  
9 corporation, authorized to do business in the State of Maryland.  
10

11 **Factual Allegations**

- 12 9. On March 30, 2011, Delmarva Collections Inc. violated the TCPA by calling the Plaintiff's cell  
13 phone using automatic telephone dialing system with no prior permission given by Plaintiff (See  
14 Exhibit A).  
15 10. On September 27, 2011, Delmarva Collections Inc. violated the TCPA by calling the Plaintiff's cell  
16 phone using automatic dialing system with no prior permission given by Plaintiff (See Exhibit B).  
17 11. On January 2, 2012, Delmarva Collections Inc. violated the TCPA by calling the Plaintiff's cell  
18 phone using automatic telephone dialing system with no prior permission given by Plaintiff (See  
19 Exhibit C).  
20 12. On January 4, 2012, Delmarva Collections Inc. violated the TCPA by calling the Plaintiff's cell  
21 phone using automatic telephone dialing system with no prior permission given by Plaintiff (See  
22 Exhibit C).  
23 13. On February 20, 2012, Delmarva Collections Inc. violated the TCPA by calling the Plaintiff's cell  
24 phone using automatic telephone dialing system with no prior permission given by Plaintiff (See  
25 Exhibit D).  
26 14. Defendant, Delmarva Collections Inc., is a debt collector attempting to collect an alleged but non-  
27 existent debt.  
28

**COUNT I**

**VIOLATION OF THE TELEPHONE COMMUNICATION**

**PROTECTION ACT (TCPA) 47 U.S.C. § 227**

15. Plaintiff alleges and incorporates the information in paragraphs 1 through 14.
16. Defendant, Delmarva Collections Inc., has demonstrated willful or knowing non-compliance with 47 U.S.C. § 227(b)(1)(A) by using an automatic telephone dialing system to call the Plaintiff's number, which is assigned to a cellular service.
17. Defendant, Delmarva Collections Inc., has committed 5 separate violations of 47 U.S.C. § 227 (b)(1)(A) and Plaintiff is entitled to damages of up to \$1500 per violation pursuant to 47 U.S.C. § 227 (b)(3)(B).
18. Plaintiff has never given Delmarva Collections Inc. permission to call Plaintiff's cell phone.

**WHEREFORE,** Plaintiff demands judgment for damages against Delmarva Collections Inc. for actual or statutory damages, and punitive damages, attorney's fees and costs, pursuant to 47 U.S.C. § 227 (G)(3)(B).

**COUNT II**

**VIOLATIONS OF THE MARYLAND TELEPHONE**

**CONSUMER PROTECTION ACT (MTCPA)**

**§14-3201(2), §14-3202**

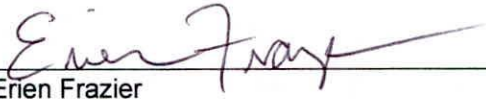
19. Plaintiff alleges and incorporates the information in paragraphs 1 through 14.
20. Defendant, Delmarva Collections Inc., has demonstrated willful or knowing non-compliance with Maryland Code § 14-3201(2), Maryland Code § 14-3202(a) by using an automatic telephone dialing system to call the Plaintiff's number, which is assigned to a cellular service.

1 21. Defendant, Delmarva Collections Inc., has committed 5 separate violations of Maryland Code §  
2 14-3201(2), Maryland Code § 14-3202(a) by calling the Plaintiff's cell phone without prior  
3 permission.

4 22. Plaintiff is entitled to damages of \$500 per violation and treble damages pursuant to Maryland  
5 Code § 14-3202(b).

6 **WHEREFORE**, Plaintiff demands judgment for damages against Delmarva Collections Inc. for  
7 actual or statutory damages, and punitive damages, attorney's fees and costs, pursuant to  
8 Maryland Code § 14-3202b.

9  
10 Dated this 8th of January, 2014

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12   
13 Erien Frazier

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23 Erien Frazier

24 P.O. Box 25

25 Hagerstown, MD 21740

26 410-262-8690

27 [erienfrazier@gmail.com](mailto:erienfrazier@gmail.com)  
28



**VERIFICATION**

I, Erien Frazier, have read the foregoing complaint and examined any attachments referenced therein. The facts stated in the complaint are true. The attachment is a true and fair copy.

Erien Frazier

Erien Frazier

The above named Affiant appeared before me, a Notary, subscribed, sworn under oath this  
8<sup>TH</sup> day of Jan., 2014.

Brenda Capelik



Notary

My commission expires: 3/10/2015